

MASSAGE SALONS, HEALTH CLUBS, ETC.
(NEW 2-2-76, Adopted as Emergency 12-1-75)

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Sec. 22-1 Definitions (Amended 11-8-94; 10-28-96)

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Health Club. Any establishment which offers service in the form of massage, baths, exercises, or similar services in combination to club members, or to the public for a charge.

The term "health club" does not include:

- (1) hospitals, nursing homes, medical clinics or the offices or quarters of a physician, surgeon, or an osteopath; or
- (2) exercise clubs exclusively for members or clientele of one sex alone where the services, without massage in any form, are performed by persons of the same sex as the members or clientele; or
- (3) barbershops and beauty parlors, or
- (4) the offices of a Massage Therapist who has completed a massage training program at an approved school and made appropriate application as defined in §§ 22-5, 22-6, and 22-7 below.

Massage. A manual manipulation of the human body, and including holding, positioning, causing movement, and applying touch and pressure to the body.

Certified Massage Therapist means a person who meets the qualifications specified in Chapter 30 of Title 54.1 of the Code of Virginia 1950, as amended, and who is currently certified by the Board of Nursing of the Commonwealth of Virginia.

Massage Therapy means the treatment of soft tissues for therapeutic purposes by the application of massage and bodywork techniques based on the manipulation or application of pressure to the muscular structure or soft tissue of the human body. The terms "massage therapy" and "therapeutic massage" do not include the diagnosis or treatment of illness or disease or any service or procedure for which a license to practice medicine, nursing, chiropractic therapy, physical therapy, occupational therapy, acupuncture, or podiatry is required by law.

Masseur and Masseuse. A person who practices any one or more of the arts of body massage, either by hand or mechanical apparatus, oil rubs, corrective gymnastics, mechanotherapy, including color therapy, dietetics, hot packs, cabinet, tub, shower, sitz, vapor, steam or any other special type of bath. Such definition does not include Massage Therapists as defined herein, Physical Therapists or Occupational Therapists duly licensed by the Commonwealth of Virginia Board of Medicine.

Sec. 22-2 Authority for Chapter; Purpose of Chapter

This Chapter is enacted pursuant to the provisions of § 2.1 of the Charter of the Town for the purpose of securing and promoting the health, safety and general welfare of the people of the Town.

Sec. 22-3 Policy

It is hereby declared that the business of operating health clubs, as defined in this Chapter, are businesses affecting the public health, safety and general welfare.

Sec. 22-4 Permit and License Required

It shall be unlawful for any persons, firm, or corporation to operate or engage in the business of operating any massage salon or health club within the Town of Vienna without first having obtained a permit and license and complying with all the provisions of this section.

Sec. 22-5 Application for Permit

Applicants for permit and license under this section shall file with the Town Manager an application in writing and in duplicate on a form to be furnished by the Town Manager, establishing the following:

1. Name and description of the applicant and proof that applicant is twenty-one (21) years of age or more.
2. Applicant's permanent home address and full local address.
3. Health certificates from a licensed medical doctor of the Commonwealth of Virginia.
4. The information provided in 1, 2 and 3 above with respect to all proposed employees of applicant and all future employees.
5. A complete and detailed description of the facilities for the proposed massage salon or health club.
6. The qualifications and training of the applicant and all proposed employees as masseurs and masseuses.
7. Application shall be executed under oath.

Sec. 22-6 Investigation of Applicant; Issuance of License

A. Upon receipt of an application, the original shall be referred to the Chief of Police who shall cause to be conducted an investigation of the applicant's character, reputation, moral integrity, physical and mental condition, and of all proposed employees of applicant, the results of which investigation shall be reduced to writing and returned to the Town Manager within fifteen (15) days.

B. If the Town Manager is thereupon satisfied that the character, reputation, moral integrity, physical and mental conditions of the applicant or his employees is inimical to public health, safety, morals or general welfare, or that facilities for the proposed massage salon or health club are inadequate from the standpoint of public health, safety and welfare, or personnel to be employed as masseurs and masseuses are not properly trained, he shall deny the application in writing, stating his reasons for the denial and notifying the applicant within seven (7) days that his application is disapproved.

C. If the Town Manager is satisfied as a result of the said investigation that the character, reputation, moral integrity or physical and mental conditions of the applicant are not a detriment to the public safety, health and welfare, he shall approve the said application and notify the applicant within seven (7) days, in writing, of such approval.

D. Any applicant aggrieved by the decision of the Town Manager may appeal to the Town Council within twenty (20) days of the Town Manager's decision provided that his appeal be filed in written form stating his grievances and his reasons for contesting the ruling of the Town Manager. The Council thereupon shall grant applicant a full and public hearing and may overrule the decision of the Town Manager by a 2/3 vote of all members of Council.

Sec. 22-7 Training of Masseur or Masseuse or Massage Therapist. (Amended 11-8-94)

No person shall give or offer or hold oneself out to offer a massage as a masseur, masseuse, or massage therapist within the meaning of this Chapter or employ or engage as an independent contractor any masseur, masseuse, or massage therapist who gives, or offers, or holds oneself out to offer, a massage unless such person shall have satisfactorily completed a course or courses of study in body massage in an approved school of instruction or training within the criteria and guidelines set forth below:

A. Said courses shall pertain to anatomy, physiology, hygiene, first aid, exercise therapy, massage techniques and related aspects of the art and science.

B. A course of study in body massage shall constitute one thousand (1,000) hours of study in connection with an approved school,

(1) five hundred (500) hours of which shall be accredited instructional hours pertaining to:

(a) Classroom or clinical training in therapeutic massage and techniques;

(b) Classroom or clinical instruction or contraindications for massage;

(c) Classroom or clinical or laboratory instruction to develop a knowledge of the anatomy and physiology of the systems of the body with emphasis on the muscular and skeletal systems; and

(2) the additional five hundred (500) hours may be accomplished simultaneously with the academic, clinical or classroom or laboratory training by virtue of what is commonly known as "on-the-job training" or can be certified to by an employer of a masseur or masseuse by sworn affidavit as having been accomplished during or before the effective date of this ordinance.

(a) Such training shall pertain to understanding the benefits of massage; and

(b) Assisting the students in developing an awareness of massage as a therapeutic process.

C. A school or institution shall constitute an approved school for the purposes of this Chapter when it meets the following criteria:

(1) is certified as a school or educational institution by the Virginia Board of Education, or like board in the state where located or the District of Columbia;

(2) is approved or recognized by, or affiliated with:

(a) The American Massage and Therapy Association, Inc. or;

(b) The National Certification Board for Therapeutic Massage and Body Works;

(3) is licensed to do business as a school or educational institution where located; and;

(4) provides the requisite training herein described.

Compliance with this section shall first be determined by the Town Manager with the same rights of appeal and hearing to the Town Council as elsewhere granted in this Chapter.

Sec. 22-7.1 Authority to Practice (New 10/28/96)

Notwithstanding the provisions of § 22-7 above, any certified massage therapist as herein defined may be authorized to practice massage therapy as herein defined.

Sec. 22-8 Permits

A. No permit shall be issued for any massage salon or health club except to an owner or manager who is either (1) a physician, (2) a registered nurse with at least two years' nursing experience, (3) a licensed practical nurse with at least four years' nursing experience, (4) a registered physical therapist, or (5) other licensed doctor or medical person.

B. It shall be unlawful for any person to own or manage a massage salon or health club as defined herein, or to give a massage within the Town of Vienna, or to offer to give a massage in the Town of Vienna, or to offer to give a massage elsewhere if such offer is made within the Town of Vienna, or for any masseur or masseuse to give or offer a massage without a valid non-suspended permit issued pursuant to this Chapter. Said permit must be conspicuously posted in the massage salon or health club; that is, so that the permit may be readily seen by persons entering the premises in the public room thereof; or if said massage is given in other than a health club, said permit must be available on request.

C. It shall be unlawful for any person to establish, maintain or operate a health club in which he or a masseur or masseuse who does not have a valid non-suspended permit pursuant to this Chapter performs, or offers to perform, or where it is offered to perform massages, or to offer a massage in the Town of Vienna or elsewhere except as provided for in this Chapter.

Sec. 22-9 Expiration

A. All licenses issued hereunder shall be annual and expire on December 31 of the year issued, and be subject to all other applicable provisions of this Chapter.

B. All licenses issued hereunder shall be deemed null and void upon the sale, lease, or transfer of any interest in the said massage salon or health club for which issued.

Sec. 22-10 Sanitation

A. All equipment, shower stalls, toilets, lavatories, and any other such accoutrements of the establishment shall be of non-porous materials and regularly treated with disinfectants and shall be maintained in a clean and sanitary condition at all times.

B. Health inspectors shall be given access to any part of the quarters of a health club for purposes of inspection at all reasonable times.

C. Each health club shall be equipped with toilet and lavatory facilities for patrons and separate, readily available toilet and lavatory facilities for personnel.

D. Either the club quarters or the floor of the building on which the quarters are located shall be equipped with a lavatory for custodial services. In multiple storied, but small buildings, the custodial lavatory may be located within one hundred (100) feet of the club quarters.

Sec. 22-11 Hygiene

A. No person shall practice any of the services of a health club without a certificate of good health commensurate with the nature of the services rendered. Such certificate shall be renewed every six (6) months.

B. No health club shall knowingly serve any patron infected with any fungus or other skin infections; nor shall service be performed on any patron exhibiting skin inflammation or eruptions; provided, however, that a duly licensed physician may certify that a patron may be safely served, prescribing the condition thereof.

C. All personnel shall wash his or her hands in hot running water, using a proper soap or disinfectant, before giving any service or treatment to each separate patron.

D. All towels and tissue, all sheets or other covering shall be used singularly for each patron and discarded for laundry or disposal immediately after use.

E. Non-disposable tools of the trade shall be disinfected after use upon one patron.

sec. 22-12 Environment

No part of any quarters of any health club shall be used for, or connected with, any bedroom or sleeping quarters; nor shall any person sleep in such health club except it be for limited periods incidental to and directly related to a massage or bath. This provision shall not preclude the location of a health club in separate quarters of a building housing a hotel or other separate businesses or clubs.

Sec. 22-13 Violation

A person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment in jail not exceeding twelve (12) months, or by both such fine and imprisonment. Each day of violations shall constitute a separate offense.

If any part of this ordinance is found by a court to be insupportable in law, such part is separable and shall not effect the ordinance as to its other parts.

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This ordinance shall be construed to be compatible with and not in conflict with supplementary sections of the Code - "Miscellaneous Offenses" and the "License Tax Ordinance" of the Town of Vienna.

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